

JUDGE MAHONEY'S LIST OF MATTERS UNDER ADVISEMENT

This is Judge Mahoney's record of matters under advisement as of **September 21, 2006**. This document will be updated regularly. If this list fails to include any matters which a party believes to be under advisement, please contact the Court.

I. LINCOLN

A. Relief from Stay & Priority Matters

B. Under Advisement, Excluding Priority Matters

Case Name: Richard E. Carlson

Case Number: 04-41534

Document Number: 512

Docket Text:

Order TAKING UNDER ADVISEMENT Objection to Claim #17 of Deuel County Interstate Banc Filed by Debtor Richard E. Carlson (Related Doc # [499]) AND Order TAKING UNDER ADVISEMENT Objection to Claim #18 of Deuel County State Bank Filed by Debtor Richard E. Carlson (Related Doc # [500]). Hearing was held in Lincoln, Nebraska, on May 31, 2006. Mr. Carlson objects to Claims No. #17 and #18 because they assert the right to attorney fees and interest. That contested issue is under advisement. Finally, with regard to all of the claims, Mr. Carlson asserts that more money has been paid to the bank than the bank has credited. He requests an accounting. That matter is taken under advisement. Mr. Carlson is granted permission to submit to the court a copy of the restitution order entered in his federal criminal case. When that document is submitted, it shall be filed on the docket. (Documents filed at #513 & 514).

Case Name: Larry Carlson and Sandhills Cattle Feeding, Inc. Ch. 12

Case Number: 05-40061 Date Ready: 8/24/06

trial 8/2/06 on amd. Ch. 12 plan (#63); obj. by BCD Farms, Inc. (#68). Galen Stehlik appeared for Debtors and James Nisley and Todd Flynn appeared for Creditor BCD Farms, Inc. Creditor's final written argument (#204); debtors' closing argument (#206).

Case Name: Groat v. Carlson

Case Number: 06-04019

Document Number: 50 Date Ready: 8/25/06

Docket Text:

Order TAKING UNDER ADVISEMENT (RE: related document(s)[48] Resistance filed by Plaintiff Craig Edward Groat, [40] Motion for Summary Judgment filed by Defendant Donald R. Carlson). HEREBY ORDERED by Judge Timothy J. Mahoney. (Text only order) (drs,) (Fil. #40); Motion For Summary Judgment *or in the Alternative for Partial Summary Judgment* Filed by Defendant Donald R. Carlson (Fil. #42); Affidavit of Larry D. Ohs in Support of Defendant's Motion for Summary Judgment *or in the Alternative for Partial Summary Judgment*

(Fil. #43); Affidavit of Donald R. Carlson in Support of Defendant's Motion for Summary Judgment or in the Alternative for Partial Summary Judgment

(Fil. #44); *Brief of Defendant in Support of Motion for Summary Judgment or in the Alternative for Partial Summary Judgment*

(Fil. #48); Resistance Filed by Plaintiff Craig Edward Groat

Case Name: Earthlink, Inc. v. Goodwin

Case Number: 06-04031

Date Ready: 8/25/06

Document Number: 48

Docket Text:

Order TAKING UNDER ADVISEMENT (RE: related document(s)[19] Motion for Summary Judgment filed by Plaintiff Earthlink, Inc., [45] Resistance filed by Defendant Ronette A Goodwin, amd. resistance (#49)). HEREBY ORDERED by Judge Timothy J. Mahoney. (Text only order) (drs,)

(Fil. #19); Motion For Summary Judgment Filed by Plaintiff Earthlink, Inc.

(Fil. #27); EXHIBIT - Copy of Order attached to Plaintiff's Complaint in Support of Motion of Summary Judgment

(Fil. #28); EXHIBIT - Copy of Defendant Ronette Goodwin's Deposition in Support of Motion for Summary Judgment

(Fil. #29); EXHIBIT - Continuation of Copy of Defendant Ronette Goodwin's Deposition (filing #28) in Support of Motion of Summary Judgment

(Fil. #30); EXHIBIT - Continuation of Copy of Defendant Ronette Goodwin's Deposition (filing #28 & #29) in Support of Motion for Summary Judgment

(Fil. #31); EXHIBIT - Copy of Exhibit 2 to Defendant Ronette Goodwin's Deposition in Support of Motion for Summary Judgment

(Fil. #32); EXHIBIT - Continuation of Copy of Exhibit 2 to Defendant Ronette Goodwin's Deposition (filing #31) in Support of Motion for Summary Judgment

(Fil. #33); EXHIBIT - Continuation of Copy of Exhibit 2 to Defendant Ronette Goodwin's Deposition (filing #31 & 32) in Support of Motion for Summary Judgment

(Fil. #34); EXHIBIT - Continuation of Copy of Exhibit 2 to Defendant Ronette Goodwin's Deposition (filing #31, 32, 33) in Support of Motion for Summary Judgment

(Fil. #35); EXHIBIT - Continuation of Copy of Exhibit 2 to Defendant Ronette Goodwin's Deposition (filing #31, 32, 33, 34) in Support of Motion for Summary Judgment

(Fil. #36); EXHIBIT - Copy of Exhibit 8, Tab B, to Defendant Ronette Goodwin's Deposition (filing #28) in Support of Motion for Summary Judgment

(Fil. #37); Brief in Support of its Motion for Summary Judgment Filed by Tim W. Thompson on behalf of Earthlink, Inc.

Declaration/Index of Evidence Re: *Plaintiff Earthlink, Inc.'s Motion for Summary Judgment*

(Fil. #38); Declaration/Index of Evidence Re: *Plaintiff Earthlink, Inc.'s Motion for Summary Judgment*

(Fil. #42); Brief filed in Support of its Motion for Summary Judgment Filed by Tim W. Thompson on behalf of Earthlink, Inc.

(Fil. #45); Resistance to Motion for Summary Judgment Filed by Defendant Ronette A

Goodwin

(Fil. #46); Notice of Intent to Offer Evidence Filed by Defendant Ronette A Goodwin
(Fil. #47); *Brief in Support of Objection to Motion for Summary Judgment* Filed by
George G. Vinton on behalf of Ronette A Goodwin.

Case Name: Kauffman v. Kauffman et al

Case Number: 05-04114

9/7/06

Document Number: 38

Docket Text:

Order TAKING UNDER ADVISEMENT (RE: related document(s)[36] Amended Motion for Summary Judgment filed by Plaintiff Ronald Kauffman, and [35] Objection filed by Defendant MBNA America Bank). HEREBY ORDERED by Judge Timothy J. Mahoney. (Text only order) (drs,)

#24, Original Motion For Summary Judgment Filed by Plaintiff Ronald Kauffman

#26, EXHIBIT - Divorce Decree & Property Statement in Support of Motion for Summary Judgment

#27, Affidavit of P. Stephen Potter in Support of Motion for Summary Judgment

#28, Affidavit of Ronald Kauffman in Support of Motion for Summary Judgment

#30, Support Document Re: Exhibit - Interrogatory page 10 Filed by P. Stephen Potter

#33, Brief in Support of Amended Motion for Summary Judgment Filed by P. Stephen Potter on behalf of Ronald Kauffman

#35, Amended Motion for Summary Judgment Filed by Plaintiff Ronald Kauffman

#36, Objection to Motion for Summary Judgment Filed by Defendant MBNA America Bank

#37, Affidavit of Denise Huska in Support of Objection

Case Name: Groat v. Carlson

Case Number: 06-04019

9/12/06

Document Number: 54

Docket Text:

Order TAKING UNDER ADVISEMENT (RE: related document(s)[51] Resistance filed by Defendant Donald R. Carlson, [46] Motion for Summary Judgment filed by Plaintiff Craig Edward Groat). HEREBY ORDERED by Judge Timothy J. Mahoney. (Text only order) (drs)

(Fil. #46); Motion For Summary Judgment Filed by Plaintiff Craig Edward Groat

(Fil. #51); Resistance to Plaintiff's Motion for Summary Judgment Filed by Defendant Donald R. Carlson

(Fil. #52); Declaration/Index of Evidence Re: Defendant's Resistance

(Fil. #53); Brief in Opposition to Plaintiff's Motion for Summary Judgment

(Fil. #55); Revised Brief in Opposition to Plaintiff's Motion for Summary Judgment

C. Matters Not Yet Ready for Decision

Case Name: Warren DeGlopper and Lorraine Irene DeGlopper

Case Number: 05-41362

Date Ready: 9/26/06

Document Number: 55

Docket Text:

Order DEFERRING (RE: related document(s)[45] Stipulation, filed by Creditor Green Tree Servicing, LLC). Hearing held 8/16/2006. Douglas Delair appeared for Debtor and Dana Ulrich appeared for Green Tree Servicing, LLC. Debtors shall deliver a cashier's check to Greentree, through counsel, in the amount of the checks being held by Mr. Delair. Then, if the matter is not settled by September 23, 2006, either party may request a hearing. If no hearing is requested, the court will enter an order deeming the issues moot. HEREBY ORDERED by Judge Timothy J. Mahoney. (Text only order) (drs,)

Case Name: Roger Lee Borchers and Brenda Lee Borchers

Case Number: 06-40487

Document Number: 32

Date Ready: 9/28/06

Docket Text:

Order taking under advisement (RE: related document(s)[12] Amended Chapter 13 Plan filed by Debtor Roger Lee Borchers, Joint Debtor Brenda Lee Borchers). Hearing held 8/30/2006. David Hepperlen appeared for Debtor and Nicholas Ackerman appeared for WFS Financial. The Ch. 13 Tr.'s Objection to Confirmation is settled. Evidence admitted: Affidavit of Nicholas L. Ackerman (Fil. #22). Debtors' appraisal (#33). Creditor may respond by September 27, 2006. Confirmation of Debtor's plan is taken under advisement. HEREBY ORDERED by Judge Timothy J. Mahoney. (Text only order) (drs)

Case Name: Tracy Elmae Huxoll

Case Number: 06-40268

Date ready: 10/4/06

The objection to the Chapter 13 plan filed by the Farm Service Agency (#71) is that it is filed in bad faith because of the missing collateral and the alleged inaccuracy in the value of certain oil well interests. Now that the debtor has provided additional information, the Farm Service Agency is invited to submit any contradictory information on those issues. Such submission shall be completed by October 3, 2006. The debtor should amend the plan to acknowledge the FSA debt by October 3, 2006. After that date, the plan will be considered ready for determination. With regard to the claim of exemptions (#70), no ruling will be made and the matter is deferred until the earlier of the date the parties present evidence on all of the items claimed as exempt, or November 15, 2006. After that date, the court will consider the matter ready for determination on the evidence that is in the file.

Case Name: Genoa National Bank v. Southwest Implement, Inc.

Case Number: 06-04013

Document Number: 70

Docket Text:

Order TAKING UNDER ADVISEMENT (RE: related document(s)[68] Amended Resistance filed by Defendant Southwest Implement, Inc., [18] Motion for Partial Summary Judgment filed by Plaintiff Genoa National Bank, [63] Resistance filed by Defendant Southwest Implement, Inc.). After completion of written discovery, the parties shall notify the court when the matter is ready for disposition. HEREBY ORDERED by Judge Timothy J. Mahoney. (Text only order) (drs,)

(Fil. #18); Motion For Summary Judgment (Partial) Filed by Plaintiff Genoa National

Bank

(Fil. #19); EXHIBIT - Exhibit 1 - Agricultural Security Agreement in Support
(Fil. #20); EXHIBIT - Exhibit 2 - Genoa National Bank Financing Statement in Support
(Fil. #21); EXHIBIT - Exhibit 3 - Variable Retail Installment Contract in Support
(Fil. #22); EXHIBIT - Exhibit 4 - Variable Retail Installment Contract in Support
(Fil. #23); EXHIBIT - Exhibit 5 - Defendant's Financing Statement (Drill) in Support
(Fil. #24); EXHIBIT - Exhibit 6 - Defendant's Financing Statement (Combine) in Support
(Fil. #25); EXHIBIT - Exhibit 7 - Debtor Michael R. Borden's Nebraska driver's license in Support
(Fil. #26); EXHIBIT - Exhibit 8 - Debtor Michael R. Borden's Certificate of Live Birth in Support
(Fil. #27); EXHIBIT - Exhibit 9 - Portions of Debtors' 2002, 2003 and 2004 Federal Income Tax returns in Support
(Fil. #28); EXHIBIT - Exhibit 10 - Trustee's Deed of Reconveyance (Book 25 Page 155) in Support
(Fil. #29); EXHIBIT - Exhibit 11 - Trustee's Deed of Reconveyance (Book 25 Page 157) in Support
(Fil. #30); EXHIBIT - Exhibit 12.1 - Statement of Debtors' account with First Central Bank (Part 1) in Support
(Fil. #31); EXHIBIT - Exhibit 12.2 - Statement of Debtor's account with First Central Bank (Part 2) in Support
(Fil. #32); EXHIBIT - Statement of Debtor's account with Genoa National Bank in Support
(Fil. #33); EXHIBIT - Exhibit 14 - Declaration of Lori Swertzic in Support
(Fil. #34); Declaration/Index of Evidence
(Fil. #35); Brief In Support Of Motion for Partial Summary Judgment Filed by Plaintiff Genoa National Bank
(Fil. #60); Stipulation By Genoa National Bank, Southwest Implement, Inc.
(Fil. #63); Resistance to Motion for Partial Summary Judgment
(Fil. #64); Brief In Opposition to Motion for Summary Judgment
(Fil. #65); Affidavit of Michael Borden in Support of Resistance
(Fil. #66); Affidavit of Brian Esch in Support of Resistance
(Fil. #68); Amended Resistance to Motion for Partial Summary Judgment filed by Defendant Southwest Implement, Inc.
Fil. #72 Bank's reply brief

BK01-41118 Bobby Shirley Ch. 11
debtor's motion to reconsider (#380); obj. by
Patricia Lutz (#395)
Deferred pending confirmation

hearing
10/7/04
Deferred

Debtor: Robert Ginn
Lutz: Frederick Stehlik & Thomas
O'Brien
State Sav. Bank: Charles Smith
Trustee: Richard Myers

II. OMAHA

A. Relief from Stay & Priority Matters

B. Under Advisement, Excluding Priority Matters

Case Name: Lockwood Corporation

Case Number: 93-80133

Document Number: 1253

Docket Text:

Order Taking Under Advisement (RE: related document(s)[1243] Motion filed by KPMG PEAT MARWICK, L.L.P., [1251] Resistance filed by Trustee James J. Stumpf). Hearing held Aug. 14, 2006. Donald Swanson appeared for the movant. James Stumpf appeared as Trustee. Evidence Admitted: Filing #[1231], [1239] and [1244]. HEREBY ORDERED by Judge Timothy J. Mahoney. (Text only order) (laf,)

Case Name: Hightree et al v. M & S Grading, Inc., a Nebraska Corporation et al

Case Number: 02-08050

Document Number: 56

Date Ready: 8/14/06

Docket Text:

Order Taking Under Advisement (RE: related document(s)[55] Resistance filed by Defendant M & S Grading, Inc., a Nebraska Corporation, [37] Motion for Summary Judgment, filed by Plaintiff Contractors, Laborers, Teamsters & Engineers Health & Welfare Plan, Plaintiff Local 571 International Union Of Operating Engineers). Movant is responsible for giving notice to parties in interest as required by rule or statute. HEREBY ORDERED by Judge Timothy J. Mahoney. (Text only order) (laf,)

Case Name: WBE Company Inc

Ch. 11

Case Number: 06-80006

Document Number: 311

Docket Text:

Order Taking Under Advisement (RE: related document(s)[297] Resistance filed by Debtor WBE Company Inc, [270] Motion to Reconsider filed by Creditor Enterprise Bank, N.A., [271] Motion to Reconsider filed by Creditor Enterprise Bank, N.A., [296] Resistance filed by Debtor WBE Company Inc). Hearing held August 14, 2006. David Hicks appeared for the Debtor. Andrew Muller and Steve Turner appeared for Enterprise Bank, N.A. Howard Duncan appeared for Dolores Wiekhorst. Record made. Ruling: Under Advisement. 1. Payment is due on the first of each month. 2. Monthly payments shall continue until further ordered. HEREBY ORDERED by Judge Timothy J. Mahoney. (Text only order) (laf,)

Case Name: Dolores Louise Wiekhorst Ch. 11

Case Number: 06-80101

Document Number: 77

Docket Text:

Order Taking Under Advisement (RE: related document(s)[58] Motion to Reconsider filed by Creditor Enterprise Bank, N.A., [63] Objection filed by Debtor Dolores Louise Wiekhorst). Hearing held August 14, 2006. David Hicks appeared for WBE Company Inc. Andrew Muller and Steve Turner appeared for Enterprise Bank, N.A. Howard Duncan appeared for Dolores

Wiekhorst. Record made. Ruling: Under Advisement. HEREBY ORDERED by Judge Timothy J. Mahoney. (Text only order) (laf,)

Case Name: M & S Grading, Inc.

Case Number: 02-81632

Document Number: 695

Docket Text:

Order Taking Under Advisement (RE: related document(s)[679] Motion for Order to Show Cause to James Killips, Chapter 7 Trustee Filed by Contractors, Laborers, Teamsters and Engineers Health and Welfare Plan, Contractors, Laborers, Teamsters and Engineers Pension Plan, [685] Resistance filed by M & S Grading, Inc.). Hearing held Aug. 21, 2006. T. Randall Wright appeared for James Killips Trustee. Malcolm Young appeared for the Movants. Evidence Record Made. HEREBY ORDERED by Judge Timothy J. Mahoney. (Text only order) (laf,)

Case Name: Contractors, Laborers, Teamsters & Engineers Health v. Liechti et al

Case Number: 05-08070

Document Number: 83

Date Ready: 8/22/06

Docket Text:

Order Under Advisement Motion For Summary Judgment Filed by Defendant William Liechti (Related Doc # [78]). Movant is responsible for giving notice to parties in interest as required by rule or statute. HEREBY ORDERED by Judge TIMOTHY J. MAHONEY. (Text only order) (dkk)

Supporting materials:

- 79 Brief In Support of Motion for Summary Judgment and in Opposition to Plaintiff's Motion For Summary Judgment Filed by Kathryn J. Derr on behalf of William Liechti. (RE: related document(s)78 Motion for Summary Judgment filed by Defendant William Liechti) (Derr, Kathryn) (Entered: 07/21/2006)
- 80 Affidavit of Billy B. Liechti in Support of Motion for Summary Judgment.
- 81 Exhibit List /Index of Evidence in Support of Defendant Liechti's Motion For Summary Judgment Filed by Kathryn J. Derr
- 82 Brief in Opposition to Defendant Liechti's Motion for Summary Judgment Filed by Malcolm D. Young on behalf of Contractors, Laborers, Teamsters & Engineers Health & Welfare Plan, Contractors, Laborers, Teamsters and Engineers Pension Plan, Dean Hightree, Eugene Lea, Vic J. Lechtenberg, Tom Merksick, Calvin G. Negus, Kim Quick.
- 86 Brief In Reply Filed by Kathryn J. Derr on behalf of William Liechti.
- 87 Affidavit of Billy B. Liechti in Support of Motion for Summary Judgment.

Case Name: Western Iowa Limestone, Inc.

Case Number: 05-85930

Date Ready: 8/23/06

Document Number: 400

Docket Text:

Order Taking Under Advisement (RE: related document(s)[391] Motion to Alter or Amend Judgment or Motion for New Trial filed by Independent Inputs, Creditor Paul Leinen, Creditor

Leinen, Inc., [398] Objection filed by United Bank of Iowa). Hearing held July 5, 2006. Appearances: Alan Pedersen, Kirk Goettsch, Michael Eversden and James Niemeier. Transcript of original hearing (#405).

Case Name: Contractors, Laborers, Teamsters & Engineers Health v. Liechti et al

Case Number: 05-08070

Document Number: 88

Date Ready 9/1/06

Docket Text:

Order Taking Under Advisement (RE: related document(s)[62] Motion for Summary Judgment filed by Plaintiff Contractors, Laborers, Teamsters & Engineers Health & Welfare Plan, Plaintiff Contractors, Laborers, Teamsters and Engineers Pension Plan, Plaintiff Dean Hightree, Plaintiff Kim Quick, Plaintiff Tom Merksick, Plaintiff Calvin G. Negus, Plaintiff Vic J. Lechtenberg, Plaintiff Eugene Lea, [79] Brief and Opposition to Plaintiff's Motion for Summary Judgment filed by Defendant William Liechti). Movant is responsible for giving notice to parties in interest as required by rule or statute. HEREBY ORDERED by Judge Timothy J. Mahoney. (Text only order) (laf,)

Case Name: Somerset Apts., Ltd.

Case Number: 04-84197

Document Number: 229

Docket Text:

Order Taking Under Advisement (RE: related document(s)[217] Motion to Reconsider, Alter or Amend Judgment Filed by Creditor Kerns/Porter, Inc., [221] Objection filed by Debtor). Hearing held Sept. 5, 2006. Appearances: Howard Duncan, Kenton Hambrick, P. Shawn McCann, Mark Steele and James Cavanagh. Record Made. Ruling: Under Advisement. HEREBY ORDERED by Judge Timothy J. Mahoney. (Text only order) (laf,)

Case Name: First National Bank of Belden, a National Banking v. Jueden et al

Case Number: 06-08018

Document Number: 98

Docket Text:

Order Taking Under Advisement (RE: related document(s)[97] Exhibit Record, [1] Complaint filed by Plaintiff First National Bank of Belden, a National Banking Corporation). Trial held Sept. 11, 2006. Wanda Howey Fox appeared for Debtors/Defendants. Steve Woolley appeared for the Plaintiff. Exhibit Record can be found at filing #97. Ruling: Under Advisement. HEREBY ORDERED by Judge Timothy J. Mahoney. (Text only order) (laf,)

Case Name: Stumpf et al v. Double S Land & Cattle Co., LLC et al

Case Number: 02-08129

Document Number: 211

9/20/06

Docket Text:

Order Under Advisement Motion For Summary Judgment (Partial) Filed by Defendant Double S Land & Cattle Co., LLC (Related Doc # [186]). Movant is responsible for giving notice to parties in interest as required by rule or statute. HEREBY ORDERED by Judge TIMOTHY J.

MAHONEY. (Text only order) (dkk)

184 Affidavit of Tim Engler in Support of Motion for Partial Summary Judgment.

185 Affidavit of Dr. William Sandy in Support of Motion for Partial Summary Judgment.

187 Brief in Support of Double Land & Cattle Co., LLC's Motion for Partial Summary Judgment

188 Index of Evidence Re: Motion for Partial Summary Judgment

Case Name: Mid City Bank v. Downey Land Limited, a California Limited Partners

Case Number: 06-08087

Document Number: 73 9/21/06

Docket Text:

Order Under Advisement Motion For Summary Judgment by Plaintiff Mid City Bank & Objection by Defendant Downey Land Limited (Related Doc # [36]). Movant

is responsible for giving notice to parties in interest as required by rule or statute. HEREBY ORDERED by Judge TIMOTHY J. MAHONEY. (Text only order) (dkk)

37 Memorandum of Law in Support of Plaintiff's Motion for Summary Judgment Filed by Patrick M. Heng on behalf of Mid City Bank .

38 Affidavit of Timothy J. White in Support of Motion for Summary Judgment.

39 Affidavit of John Murray in Support of Motion for Summary Judgment.

40 Affidavit of John Probandt in Support of Motion for Summary Judgment.

41 Affidavit of John Raynor in Support of Motion for Summary Judgment.

42 Notice of Intent to Offer Evidence Index Filed by Plaintiff Mid City Bank

C. Matters Not Yet Ready for Decision

Case Name: Mario Mandolfo

Case Number: 04-84061 10/10/06

Document Number: 318

Docket Text:

Order Taking Under Advisement (RE: related document(s) [274] Motion to Allow Claims and to Pay Claim from Real Estate Sale Proceeds Filed by Full Spectrum Lending, Inc.,[281]

Resistance Filed by Delivery Systems (Manitoba), Ltd, Joseph Mandolfo, and [305] Resistance by Joseph Mandolfo). Hearing held Sept. 5, 2006. Appearances: Monica Kruger, Theodore

Boecker, and Alan Pedersen. Evidence Record Made. Ruling: Ms. Kruger shall submit legal argument by Sept. 29, 2006. Trustee and Mr. Boecker may respond by Oct. 9, 2006. HEREBY ORDERED by Judge Timothy J. Mahoney. (Text only order) (laf,)